

CERTIFICATE OF EFS ELECTRONIC TRANSMISSION

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/Holly D. Kozlowski/

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant: Nilsson et al : Confirmation No.: 9372

Serial No.: 11/592,024 : Group Art Unit: 3768

Filing Date: September 7, 2006 : Examiner: Joel F. Brutus

For: **Non-Invasive Method to Monitor Microcirculation**

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In the Official Action dated January 25, 2010, the Examiner required restriction under 35 U.S.C. §§121 and 372 between Group I, claims 1-11 and 23-35, drawn to a method of determining the influence of microcirculation by administering acetylcholine or sodium nitroprusside using iontophoresis and by illuminating the tissue with polarized light, as in Figs. 1-3, 5 and 6, and Group II, claims 12-22, drawn to a system for determining microcirculation of a living tissue by administering a vasodilation agent, wherein the system is integrated with a mobile terminal capable of transmitting data over a telecommunication network, as in Fig. 4. Applicants hereby elect Group II, claims 12-22.

This election is made with traverse. The Examiner asserted in the Official Action that the restriction requirement is appropriate since claims 12-22 employ a mobile terminal and a telecommunication network that is not part of the invention of claims 1-11 and 23-35 which use iontophoresis. However, the Examiner's attention is first directed to claim 12, which recites a

system comprising, inter alia, a computing device (I) receiving collected information and adapted to separate it into at least two data matrixes (J). Additionally, the system of claim 12 does not require a mobile terminal capable of transmitting data over a telecommunication network, although the embodiments of claims 20-22 include one or more of these features. Further, claim 1 recites a method including, inter alia, step (iv) of transferring the collected information in digital form to a computing device, and step (vi) of generating an output data matrix, and claim 23 has similar limitations. Moreover, neither claim 1 nor claim 23 requires administration of acetylcholine or sodium nitroprusside. Thus, the methods of Group I, claims 1-11 and 23-35, and Group II, claims 12-22, relate to the same general inventive concept and under 35 U.S.C. §§121 and 372 should all be examined in this application. Accordingly, reconsideration of the restriction requirement and examination of all of claims 1-35 in this application are requested.

It is believed that the above represents a complete response to the Official Action. Examination on the merits is respectfully requested. Please charge any fee required with this response to Deposit Account No. 503915.

Respectfully submitted,

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